

REMARKS/ARGUMENTS

Claims 1-20 are pending. Claims 1, 8, and 17 are amended herein. No new matter is added as a result of the Claim amendments. Support for the Claim amendments can be found at least at the paragraph beginning at line 19 of page 11 and the paragraph beginning at line 16 of page 12.

35 U.S.C. § 101 Rejections

Claims 1-20 are rejected under 35 U.S.C. § 101. Applicants have reviewed the Examiner's reason for rejection under 35 U.S.C. §101 and respectfully submit that the rejection under 35 U.S.C. §101 of Claims 1-20 is improper and should be withdrawn.

MPEP 2106 IV. B. provides (emphasis added):

In many instances it is clear within which of the enumerated categories a claimed invention falls. Even if the characterization of the claimed invention is not clear, this is usually not an issue that will preclude making an accurate and correct assessment with respect to the section 101 analysis. The scope of 35 U.S.C. 101 is the same regardless of the form or category of invention in which a particular claim is drafted. *AT&T*, 172 F.3d at 1357, 50 USPQ2d at 1451. See also *State Street*, 149 F.3d at 1375, 47 USPQ2d at 1602 wherein the Federal Circuit explained:

The question of whether a claim encompasses statutory subject matter should not focus on which of the four categories of subject matter a claim is directed to – process, machine, manufacture, or composition of matter – [provided the subject matter falls into at least one category of statutory subject matter] but rather on the essential characteristics of the subject matter, in particular, its practical utility.

MPEP 2106 IV. C. provides:

In evaluating whether a claim meets the requirements of section 101, the claim must be considered as a whole to determine whether it is for a particular application of an abstract idea, natural phenomenon, or law of nature, and not for the abstract idea, natural phenomenon, or law of nature itself.

MPEP 2106 IV. C. 2. (1) further provides:

USPTO personnel first shall review the claim and determine if it provides a transformation or reduction of an article to a different state or thing. If USPTO personnel find such a transformation or reduction, USPTO personnel shall end the inquiry and find that the claim meets the statutory requirement of 35 U.S.C. § 101. If USPTO personnel do not find such a transformation or reduction, they must determine whether the claimed invention produces a useful, concrete, and tangible result.

MPEP 2106 IV. C. 2. (2) further provides (emphasis added):

For purposes of an eligibility analysis, a physical transformation: is not an invariable requirement, but merely one example of how a mathematical algorithm [or law of nature] may bring about a useful application.” A7&7, 172 F.3d at 1358-50, 50 USPQ2d at 1452. If USPTO personnel determine that the claim does not entail the transformation of an article, then USPTO personnel shall review the claim to determine it produces a useful, tangible, and concrete result. In making this determination, the focus is not on whether the steps taken to achieve a particular result are useful, tangible, and concrete, but rather on whether the final result achieved by the claimed invention is “useful, tangible, and concrete.”

Based upon the above guidance, the Applicants submit that the features recited in Claims 1, 8, and 17 satisfy the requirements for a useful and tangible result. Accordingly, the Applicants submit that Claims 1, 8, and 17 qualify as statutory subject matter as directed by the MPEP and that the rejection under 35 U.S.C. §101 of Claims 1, 8, and 17 is improper and should be withdrawn.

Claims 2-7 depend from Claim 1 and recite additional features descriptive of embodiments of the present invention. Accordingly, the rejection under 35 U.S.C. §101 of Claims 2-7 is also improper and should be withdrawn.

Claims 9-16 depend from Claim 8 and recite additional features descriptive of embodiments of the present invention. Accordingly, the rejection under 35 U.S.C. §101 of Claims 9-16 is also improper and should be withdrawn.

Claims 18-20 depend from Claim 17 and recite additional features descriptive of embodiments of the present invention. Accordingly, the rejection under 35 U.S.C. §101 of Claims 18-20 is also improper and should be withdrawn.

35 U.S.C. § 112 Rejections

Claims 17-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The rejection states, “It is unclear to the examiner of how the rack equipment is managed by a means for communicating rack equipment.” The Applicants submit that the recited computer system comprising a means for communicating rack equipment related information distinctly claims one feature of the subject matter which the Applicants regard as the invention. The inference that the means for communicating rack related information is solely responsible for managing the rack equipment ignores the other features recited in Claim 17 which, in combination, distinctly claim the subject matter which the Applicants regard as the subject matter. The Applicants further submit that the phrase, “for managing rack equipment while said rack

equipment is in operation,” refers to the information received by the means for communicating rack equipment related information. MPEP 2173.02 provides:

When the examiner is satisfied that patentable subject matter is disclosed, and it is apparent to the examiner that the claims are directed to such patentable subject matter, he or she should allow claims which define the patentable subject matter with a reasonable degree of particularity and distinctness. Some latitude in the manner of expression and the aptness of terms should be permitted even though the claim language is not as precise as the examiner might desire. Examiners are encouraged to suggest claim language to applicants to improve the clarity or precision of the language used, but should not reject claims or insist on their own preferences if other modes of expression selected by applicants satisfy the statutory requirement.

MPEP 2173.02 further provides:

Definiteness of claim language must be analyzed, not in a vacuum, but in light of:

- (A) The content of the particular application disclosure;
- (B) The teachings of the prior art; and
- (C) The claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made.

The Applicants submit that one skilled in the art would not interpret the recited features of Claim 17 in the manner cited in the rejection in light of the disclosure of the application. Accordingly, the Applicants submit that the rejection of Claim 17 under 35 U.S.C. 112, second paragraph, is improper and should be withdrawn.

Claims 18-20 depend from Claim 17 and recite additional features descriptive of embodiments of the present invention. Accordingly, the rejection under 35 U.S.C. 112, second paragraph, of Claims 18-20 is also improper and should be withdrawn.

35 U.S.C. § 102 Rejections

Claims 1-20 are rejected under 35 U.S.C. § 102 (e) as being anticipated by Hougen et al. (U.S. Pub. No. 2003/0036983), hereinafter referred to as "Hougen." The Applicant respectfully submits that the features recited in Claims 1-20 are not anticipated by Hougen. For example, Claim 1 recites (emphasis added):

A rack equipment management information coordination method comprising:
formulating a rack equipment management plan, wherein said rack equipment management plan is a plan for managing rack equipment operating characteristics while said rack equipment is in operation;
automatically detecting rack equipment description information from at least one component comprising said rack equipment; and
storing said rack equipment description information and said rack equipment management plan.

Claim 8 recites a management plan information repository configured for directing a change in operating characteristics of rack equipment. Claim 17 recites a means for processing

information and instructions configured for managing operating characteristics of said rack equipment. The Applicants submit that Hougen does not show a system, or method of coordinating rack equipment management information which comprises managing rack equipment operating characteristics. Applicants understand Hougen to show a method of inventorying data for a facility for the purpose of displaying a layout of the facility. In other words, the system of Hougen is understood to only be used for allowing a user to visualize the configuration of the equipment of a facility (paragraph [0008]). However, with respect to Claim 1, the Applicants submit that Hougen does not show formulating a rack equipment management plan, wherein said rack equipment management plan is a plan for managing rack equipment operating characteristics while said rack equipment is in operation as recited in Claim 1. Accordingly, the Applicants submit that the rejection of Claim 1 under 35 U.S.C. § 102 (e) is not supported by the cited art.

With reference again to Claim 1, the Applicants further submit that Hougen does not show the feature of automatically detecting rack equipment description information from at least one component comprising said rack equipment as recited in Claim 1. Instead, Hougen teaches that the collection of rack equipment is performed manually by a user of a server computer 10 and/or a laptop computer 16. In paragraphs 39-51, Hougen describes in detail how a user is prompted, via a series of screens, to manually enter information which describes the layout of equipment in the facility. However, Hougen is silent regarding the feature of automatically detecting rack equipment description information from at least one component comprising the rack equipment as recited in Claim 1. Accordingly, the Applicants further submit that the rejection of Claim 1 under 35 U.S.C. § 102 (e) is not supported by the cited art.

Claims 2-6 depend from Claim 1 and recite additional features descriptive of embodiments of the present invention. Accordingly, the Applicants further submit that the rejection of Claims 2-6 under 35 U.S.C. § 102 (e) is also not supported by the cited art.

Referring to Claim 8, Hougen does not show the recited feature of a management plan information repository configured for directing a change in operating characteristics of rack equipment as recited in Claim 8. Instead, the apparatus of Hougen is understood only to be used for storing and displaying the configuration of equipment in a facility. Accordingly, the Applicants further submit that the rejection of Claim 8 under 35 U.S.C. § 102 (e) is not supported by the cited art.

Claims 9-16 depend from Claim 8 and recite additional features descriptive of embodiments of the present invention. Accordingly, the Applicants further submit that the rejection of Claims 9-16 under 35 U.S.C. § 102 (e) is also not supported by the cited art.

Referring again to Claim 17, Hougen does not show the feature of a means for processing information and instructions which is configured for managing operating characteristics of rack equipment as recited in Claim 17. As discussed above, the apparatus of Hougen is understood only to be used for storing and displaying the configuration of equipment in a facility. Accordingly, the Applicants further submit that the rejection of Claim 17 under 35 U.S.C. § 102 (e) is not supported by the cited art.

Claims 18-20 depend from Claim 17 and recite additional features descriptive of embodiments of the present invention. Accordingly, the Applicants further submit that the rejection of Claims 18-20 under 35 U.S.C. § 102 (e) is also not supported by the cited art.

CONCLUSION

In light of the above remarks, the Applicant respectfully request reconsideration of the rejected Claims.

Based on the arguments presented above, the Applicant respectfully asserts that Claims 1-20 overcome the rejections of record and, therefore, the Applicant respectfully solicits allowance of these Claims.

The Examiner is invited to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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